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Group 3700

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PATENT  
Attorney Docket No. 214848

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

V. Douglas  
Pg 9/election  
11-13-03

In re Application of:

Jes H. Petersen et al.

Serial No. 10/018,670

Filed: February 27, 2002

Group Art Unit: 3743

Examiner: Christopher M. Atkinson

For: Heat Exchanger Plate And Such  
A Plate With A Gasket

RESPONSE TO RESTRICTION REQUIREMENT  
AND PROVISIONAL ELECTION

Commissioner For Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Office Action dated September 10, 2003, applicants present the following remarks. Applicants respectfully request reconsideration of the restriction requirement as set forth in the Office Action as examination of all 21 pending claims would not pose undue burden on the Examiner. In any event, applicants provisionally elect the Group B claims. Applicants presently submit that at least claims 1, 3-4, 6-10, 12-13, 15-16 and 18-21 are drawn to this species.

The Office Action restricted pending claims 1-21 in the above application into three groups as follows: (1) Group A, which according to the Action, are drawn to the species shown in Figs. 1-4; and (2) Group B claims, which according to the Action, are drawn to the species illustrated in Figs. 5-8. The Office Action further indicated that, upon allowance of a generic claim, applicants would be entitled to consideration of claims to the additional species.

Applicants respectfully traverse the restriction requirement. While the subject matter of the claims is commensurate with the various elements as set forth in the claims, applicants submit that a search and examination of the entire set of claims in the application can be made without serious or undue burden to the Examiner. That is because, in some form, the

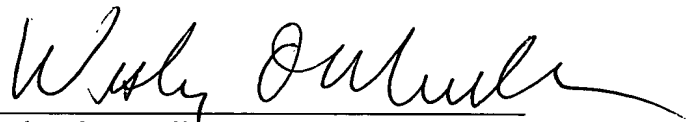
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inventions as set forth in the claims have application to the heat exchanger art and science. Accordingly, applicants respectfully request that all of the claims be examined on the merits, even though the application includes claims of various scope and directed to various features and embodiments. Applicants further point out that no unity objection has been made during the international phase of the PCT application.

Applicants provisionally elect, without prejudice, Group B (claims 1, 3-4, 6-10, 12-13, 15-16 and 18-21) for prosecution in the instant application.

Respectfully submitted,

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Date: October 10, 2003

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CERTIFICATE OF MAILING

I hereby certify that this RESPONSE TO RESTRICTION REQUIREMENT AND PROVISIONAL ELECTION (along with any attachments) is being sent via first-class mail, postage prepaid, addressed to: Commissioner For Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450, on October 10, 2003.

10/10/03  
Date

Margaret J. DiGrazia